

Court fees concerning Small Claims procedure - Poland



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INTRODUCTION

The issue of fees in civil proceedings is governed by the law of 28 July 2005 on judicial costs in civil matters (Official Gazette 2014, 1025). In principle, the levy shall be payable on each application and therefore shall be submitted under the regulatory procedure laid down by Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (hereafter: EDR).

In Polish law, there is a possibility to request an exemption from such costs pursuant to the provisions of the abovementioned law (Title IV — exemption from the cost of proceedings).

What fees are levied?

In relation to the so-called 'fixed fee applies.

How do I pay?

From the application to the case in the European Small Claims Procedure shall be charged: fixed fee of PLN 100 (Article 27b of the Act on Judicial Costs in civil cases). The same fee is charged also on appeal (Article 18w, read in conjunction with Article 27b of the above Act).

What happens if you don't will I pay on time?

According to Article 1262 § 1 of the Code of Civil Procedure of 17 November 1964 (Journal of Laws No 43, item 269, as amended), K. P. c., the Court of First Instance did not take any actions following the letter from which the levy due has not been paid. Therefore, the fee must be paid when lodging the Court letter (application) which it is, or request exemption from the cost of proceedings.

The procedural consequences of non-payment is governed by, inter alia, Article 130 and 1302 of the Code of Civil Procedure. <http://lex.online.wolterskluwer.pl/WKPLOnline/index.rpc#hiperlinkText.rpc?hiperlink=type=tresc:nro=Powszechny.1283788:part=a130&full=1> [http://lex.online.wolterskluwer.pl/WKPLOnline/index.rpc#hiperlinkText.rpc?hiperlink=type=tresc:nro=Powszechny.1283788:part=a130\(2\)&full=1](http://lex.online.wolterskluwer.pl/WKPLOnline/index.rpc#hiperlinkText.rpc?hiperlink=type=tresc:nro=Powszechny.1283788:part=a130(2)&full=1)

In accordance with Article 130k point c. — if the pleading (including defence) cannot be correct because of non-payment of the levy due, the Chair (Judge) calls on the claimant, on pain of having his pleading returned, to pay for it within one week. If a requested person resident abroad who has no representative in Poland, the Chair (Judge) establishes the deadline for payment, which may not be less than one month. After the expiry of that period is refunded side. A letter paid within the deadline set has effect from the date of submission.

In the light of Article 1302k. — Letter from Ms C brought by lawyer or patent attorney who was not duly paid shall be released without the payment of fees, where a fixed fee is calculated on the basis of the relative or indicated by the value of the subject-matter of the dispute. However, if within one week from the date of service of the order on the reimbursement of the letter will be duly paid, it produces its effects from the original date of lodging of pleadings.

A court fee?

How will you pay the court fees in civil matters regulates rozporządzenieministra Justice of 31 January 2006 on the method of payment of court fees in civil cases (Dz.U. No. 27, item 199) constituting an implementing act to the abovementioned law on judicial costs. <http://lex.online.wolterskluwer.pl/WKPLOnline/index.rpc#hiperlinkText.rpc?hiperlink=type=tresc:nro=Powszechny.475138&full=1>

Court fees in civil matters is to be paid on a non-cash basis on the current account of the competent court (information about such account can be obtained directly in court or on its website or on the website of the Ministry of Justice), directly to the cashier of the Court of First Instance or in the form of fee stamps that may be purchased at the cashier of the Tribunal.

What should I do after the payment?

After payment of the fee and any deficiencies the Court shall proceed to hear the case in a closed session. The Court may hold an oral hearing only in the cases set out in Regulation 861/2007.

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